

**IN THE FAYETTE CIRCUIT COURT  
IN THE FAYETTE SUPERIOR COURT**

**STATE OF INDIANA**

IN THE MATTER OF JOINT  
LOCAL CRIMINAL RULES

**AMENDED JOINT LOCAL CRIMINAL RULES  
OF THE FAYETTE CIRCUIT COURT AND FAYETTE SUPERIOR COURT**

The Courts being aware that there is a discrepancy in the caseload of the Courts now amend the Joint Criminal Rules of the Fayette Circuit and Superior Courts, to be and remain in full force and effect on and at all times after July 1, 2006 and until further order of the Court.

It is further ordered that these rules be spread of record on the Record of Judgments and Order Books of the Courts and that they be printed and distributes to members of the Fayette County Bar, and two copies thereof transmitted to the Clerk of the Indiana Supreme Court and the Indiana Court of Appeals.

**SO ORDERED** this 23<sup>rd</sup> day of May, 2006.

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Daniel Lee Pflum  
Judge, Fayette Circuit Court

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Ronald T. Urdal.  
Judge, Fayette Superior Court

**CRIMINAL RULES  
LR21-CR00-CR- 3**

**CASE ASSIGNMENT**

The following criminal cases shall be filed in the Fayette Circuit Court, any C felony or higher and Neglect of a Dependent and all offenses filed with it, with the following exceptions: Habitual Traffic Offenders and NonSupport of a Dependent if there is no other C felony or higher offense filed with it..

All other offenses and infractions shall be filed in Fayette Superior Court.

~~This Rule applies to the most serious charge and to all charges which can be joined with the charge.~~

~~All felonies shall be assigned to the Fayette Circuit Court, except for the following which shall be assigned to the Fayette Superior Court:~~

- ~~A.—— Habitual Traffic Offender charge as either a Class D or C felony, except were it is joined with a felony that is otherwise assigned to the Fayette Circuit Court under this Rule.~~
- ~~B. Any Class D felonies arising out of a Traffic, Public Intoxication, Resisting Law Enforcement, or Disorderly Conduct arrest.~~

~~Misdemeanor drug charges arising out of an incident resulting in the filing of felony drug charges in the Fayette Circuit Court or which can be joined with charges filed in the Fayette Circuit Court shall be assigned to the Fayette Circuit Court.~~

~~All misdemeanors shall be assigned to the Fayette Superior Court, except for the following which shall be assigned to the Fayette Circuit Court:~~

- ~~A. Contributing to Delinquency of a Minor arising out of testimony given during a juvenile proceeding in the Fayette Circuit Court;~~
- ~~B.—— Violation of the Compulsory School Attendance Law;~~
- ~~C.—— Invasion of Privacy arising out of a Fayette Circuit Court Order.~~

Notwithstanding the above all cases where either the defendant, a co-defendant, the alleged victim or material witness is a person who falls within the third degree of relationship of the presiding judge or the presiding judge's ~~his~~ spouse shall be assigned to the other Court ~~as well as any charges concerning a co-defendant of the relative of the presiding judge~~. Should it be discovered after the case is filed that the case should have been filed in the other court the case shall be transferred to the other court or reassigned to the other judge as special judge.

#### **LR21-CR00-CR- 16**

#### **REQUEST TO CALL A JURY**

The Court will not summons a jury unless a party has filed a request to call a jury no more than ~~twenty-one (21)~~ twenty-eight (28) days but no less than seventeen (17) days prior to the trial. Failure to timely file a request may result in a continuance of the jury trial on the Court=s own motion. Nothing in this rule is intended to prevent the Court from calling a jury on its own motion.

#### **LR21-CR00-CR- 19**

#### **ATTENDANCE OF WITNESSES**

When a defendant requests to take the deposition of a witness listed or disclosed by the State in its discovery, it is the duty of the State to provide the most current address of the witness known to the State, or, in the alternative, to secure the attendance of the witness at the deposition.